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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/892,351

06/28/2001

Mark Thomas Dawson

2176

7590

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EXAMINER

LE, BRIAN Q

ART UNIT

PAPER NUMBER

2624

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/892,351	DAWSON, MARK THOMAS	
	<b>Examiner</b>	<b>Art Unit</b>	
	BRIAN Q. LE	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 53-60, 80 and 86-110 is/are pending in the application.
- 4a) Of the above claim(s) 59, 60 and 87-110 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 53-55, 57, 58, 80 and 86 is/are rejected.
- 7) ☒ Claim(s) 56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/29/2007 has been entered.

***Election/Restrictions***

2. Newly submitted claims 87-110 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims 87-110 drawing to restricted species as the Restriction Office Action filed 11/22/2006 clearly explained.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 87-110 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Specification***

3. As indicated in the previous Office Action filed 07/31/2007, the amendment filed 05/25/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The amended specification submitted 05/25/2007 regarding the amendment of filter values introduces new filter values and thus introduces new matter into the disclosure.

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According to 35 U.S.C. 132 (a) states that no amendment shall introduce new matter into the disclosure of the invention.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 86 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 86, nowhere in the specification discloses the new claim "...where said selective color treatment and said allocating of color channels are effected to each image of said image pair in a single sweep.". The support for "single sweep" was found; however, in the context as cited in the claim, the specification does not provide the disclosure as claimed.

The Applicant is required to show the exact location (page number and line number) for the amended limitations and new claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 53-55, 58, 80 and 86 are rejected under 35 U.S.C. 102(b) as being anticipated by McLaine et al. (U S Patent 6,037,971).

As to claim 53 [As best understood by the Examiner], McLaine discloses anaglyphic production method for anaglyphic record, including steps of,

- a. isolating or synchronizing images to achieve an image pair that consists of a first image or images and a second image or images [two related images (pair) captured by two separate left and right cameras (Fig. 4, col. 7, lines 9-15),
- b. effecting selective color treatment to color records within said image pair to enable an anaglyphic perception (a process of adjusting/correcting colors to compensate the over or underexposure of anaglyphic image) (abstract; column 3, lines 20-25; and column 4, lines 30-38) of broad spectrum (range of intensity levels) (column 5, lines 60-65) contrast balance between the said image pair [the level of intensity (contrast) of the red color is examined to determine the percentage of color values fall at the upper (maximum) and lower (minimum) ends of the red color value and adjust it (col. 7, lines 37-col. 8, line16)],
- c. allocating a first anaglyphic color channel to said first image or images [Fig. 4, a red color channel (first anaglyphic color channel) is allocated by the color separator to the first image from the first camera)] and allocating second and third anaglyphic color channels to said second image or images resulting in spectrally opposed anaglyphic color channels [[Fig. 4, a green and blue color channels (second and third anaglyphic color channels) are allocated by the color separator to the second image from the second camera), R,G,B, are spectrally opposed color channels].

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d. blending the said image pair as a single anaglyphic image [Fig.4, color plane combiner combines the red image plane with the blue-green image planes to create a single 3D anaglyphic representation (col. 5, lines 9-13, col. 7, lines 17-24).

As to claim 54, McLaine further discloses, where contrast or brightness of the anaglyphic image is optimised (col. 7, line 54-col. 8, line 16).

As to claim 55, McLaine further discloses, where said selective color treatments are applied either to individual color records or to the entire color records of said image pair (col. 8, lines 4-17).

As to claim 58, McLaine further discloses anaglyphic image produced (col. 4, lines 19-23).

Claim 80 is an apparatus analogous to claim 53 method and arguments applied to claim 53 are applicable to claim 80.

For claim 86, McLaine teaches Anaglyphic production where said selective color treatment and said allocating of color channels are effected to each image of said image pair in a single sweep (frame grabber) (column 3, lines 39-44).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLaine et al. (U. S. Patent 6,037,971) as applied to claim 53 above, and further in view of Swift et al. (U S 2005/0078108).

As to claim 57 [As best understood by the Examiner], McLaine is selectively optimizing the color value of color records (red and/or green) in the pair of images (Col. 4, lines 14-23). The color value is a color intensity (overall brightness of the color) optimized to the nth degree (col. 6, lines 37-41, col. 8, lines 4-17). McLaine does not disclose where luminosity compression is applied to said image pair to the nth degree.

Swift discloses an anaglyph method include independent compression of the left and right images which provides better quality display output of the anaglyphic image by providing less compression artifacts and reduces crosstalk when compared to anaglyphic storage techniques [0030, and 0060]. It would have been obvious to one with ordinary skill in the art at the time the invention was made to use Swift's teachings to modify McLaine's method by compressing the image pair in order to provide better quality display output of the anaglyphic image by providing less compression artifacts and reduces crosstalk when compared to anaglyphic storage techniques [0030, and 0060. The combined method of McLaine and Swift compresses the brightness (luminosity) of the color because McLaine as disclosed above corrects the brightness of the color to provide quality image.

***Allowable Subject Matter***

10. Claim 56 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***CONCLUSION***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q. Le whose telephone number is 571-272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Brian Q Le/  
Primary Examiner, Art Unit 2624  
March 27, 2008